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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yue Heng Xu	§	Group Art Unit:	2174
Serial No.:	09/409,366	§		
Filed:	September 30, 1999	§	Examiner:	Crescelle N. dela Torre
For:	Using Two Electronic Programming Guides	§	Atty. Dkt. No.:	ITL.0250US (P7375)

Board of Patent Appeals & Interferences
Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed April 2, 2002.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

Claims 19-30 are cancelled. Claims 1-18 are pending. Claims 1-18 are rejected. The rejection of each pending claim is appealed.

IV. STATUS OF AMENDMENTS

All amendments have been entered.

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Date of Deposit May 30, 2002
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.
Debra Cutrona
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V. SUMMARY OF THE INVENTION

A video distribution system 10, shown in Fig. 1, makes available, over different transport media, two different electronic programming guides. The system 10 includes a content provider 12 which may also be known as a broadcaster in connection with airwave broadcasts. The content provider may provide video content over a variety of transport media including a satellite system, a cable system, a computer network or an airwave broadcast as examples. That information is transmitted over the desired medium to a plurality of receivers 14. The receivers 14 may be situated in users' homes for example.

The receivers 14 may be implemented as conventional broadcast television receivers or as processor-based systems. The processor-based receivers 14 may be coupled to a computer network 18. The computer network 18 advantageously is an internetwork such as the Internet. However, the network 18 may also be implemented by a variety of networks. Specification at page 4, line 5 through page 5, line 2.

The network 18 is coupled to an electronic programming guide server 20 which provides a web site. The web site contains an extended electronic programming guide having all the available content which may be provided by the content provider 12. This content may include not only conventional broadcast video programs but also video programs made available through Internet connections. Thus, the electronic programming guide may be relatively extensive in some embodiments of the present invention.

The electronic programming guide server 20 may communicate with a content provider server 22. The content provider server 22 provides the desired content such as video information and web site information to the content provider 12 which then broadcasts it to a plurality of receivers 14. Thus, the receivers 14 receive information from the content provider 12 through a first medium "A" and simultaneously may receive information through a back channel "B" coupled to the network 18.

In this way, the receivers may have access to an electronic programming guide provided by the content provider 12 together with the content over a desired transport medium. At the same time or prior thereto, each receiver 14 may access the more extensive electronic programming guide over the back channel. The back channel may be implemented, for example, by the electronic programming guide server 20 coupled to a network 18 such as the Internet.

Other combinations of back channel communications may be provided as well. For example, the user may receive television content from a cable provider while at the same time using back channels in the form of a wide area network, a satellite system or a telephone link as examples. Thus, any combination of a main communication channel and a back channel may be utilized to implement embodiments of the present invention. In this way, the user may have access to an extended programming guide over a back channel which may not transmit as much program content as the primary channel of communication with the content provider 12.

Specification at page 5, line 3 through page 6, line 14.

Each receiver 14 may have software 24 stored on the receiver which implements the dual electronic programming guide system. Referring to Fig. 2, one embodiment of the software 24 provides access to a basic electronic programming guide as indicated in block 60. This access would typically be provided over the transport medium between the receiver 14 and the content provider 12. The basic electronic programming guide may have the most popular programs on the most popular stations together with a limited set of selections that the user has pre-selected for inclusion in a basic programming guide. The basic programming guide may, in one embodiment of the present invention, automatically appear when the electronic programming guide is selected. Commonly, electronic programming guides are selected through remote control units associated with processor-based systems.

As illustrated in diamond 62, upon user selection of an extended programming guide, the extended programming guide may be accessed (block 64). This access may be by way of the back channel through the network 18 in the embodiment illustrated in Fig. 1. In one embodiment of the present invention, the more extended electronic programming guide may include detailed information about a large amount of potential program content at a variety of different times.

Alternatively, the user can access a plurality of different electronic programming guides, for example associated with different web sites, each keyed to a different subject. For example, one site may provide an electronic programming guide for sporting events, another may provide an electronic programming guide for movies, and still another may provide an electronic programming guide for children's shows and the like. These more detailed guides may contain detailed information broken down by topic areas.

If the user does not make a selection on the basic programming guide as indicated in diamond 62, then the extended programming guide may be automatically accessed (block 66) in one embodiment of the present invention.

In either programming guide, the user generally makes selections using mouse-like commands. For example, by highlighting a given option in electronic programming guide (or positioning a cursor over the option) and selecting it using a mouse button, the user can cause the program to automatically be selected for viewing. Software for implementing such functions is well known in the art. Specification at page 6, line 15 through page 8, line 9.

Referring to Fig. 3, an example of a basic electronic programming guide 26 includes a chart which has a plurality of times 28 forming columns and a plurality of channels or program sources 30 forming rows. The times in the columns 28 may be the current time and pre-selected intervals of time thereafter. The program sources listed in the column 30 may be primary sources such as conventional broadcast networks and pay televisions providers such as providers of movies as an example. In addition, the user may have a plurality of programmable entries 32 so the user can program favorite program sources to automatically appear in the user's electronic programming guide 26.

The user may select a desired program in a desired time slot by moving a cursor or other selection image to highlight a particular time and content provider as indicated at 34. By providing mouse click input commands, the user may select the desired entry. The mouse click operation may be implemented, for example, using a conventional mouse button and by moving the mouse to position the cursor where desired. Alternatively, a remote control unit with a plurality of cursor command buttons may be utilized to highlight the desired block in a well known fashion. The desired block may then be selected by pressing a button on the remote control unit, usually in close proximity to the cursor control buttons.

Referring next to Fig. 4, an extended electronic programming guide 36 may be implemented as a graphical user interface. This guide may include a very large number of potential channels indicated at 40 which may be selected using a scroll operator 42. The operator 42 enables the user to scroll up and down a long list of potential items using arrows. In addition, the user can scroll through a plurality of times 38 listed as columns in the electronic programming guide using a similar scroll operator 44. Thus, the user can simply scroll through a

long list of potential entries and select a desired entry, as indicated in 46 and as described previously in connection with Fig. 3.

The user can have a basic electronic programming guide with limited selections as indicated in Fig. 3 and a more extensive electronic programming guide as indicated in Fig. 4. The more extensive guide may include all of the available entries both in terms of Internet programming and broadcast programming. Alternatively, it may have programs grouped by content or other basis. In such case, the user may need to access a plurality of extended electronic programming guides to locate all the potential programming information.

In any case, when a given program is selected, the program may be tuned for automatic viewing. Alternatively, as is well known in electronic programming guides, the selection of a program at a future time may cause that program to be automatically tuned in at the future time.

While Figs. 3 and 4 illustrate electronic programming guides which are in the form of charts of potential programs and times, other formats may be utilized as well. For example, in connection with some systems, times may not be important, and instead a plurality of channels may each include a given number of programs that are available over any given time. The user may then select the programs which the user wants to view at a given time and the programs are provided at that time. Thus, in such cases, programs are not dedicated by the program provider to be broadcast at a given time slot. Instead, they can be provided when the user wants to view the program. Specification at page 8, line 10 through page 10, line 22.

As indicated in Fig. 5, when the user selects a given program option 46 in the extended graphical user interface 36, the user may be prompted with a graphical user interface 54 to confirm the selection as the current selection as opposed to a selection to be added to the user's basic electronic programming guide. Thus, the user can select one of the icons 58 to respond to the inquiry 56. A similar graphical user interface can be provided, if the user indicated "no", to enable the user to select the program as a channel on the user's basic graphical user interface 26, shown in Fig. 3. This may be done by filling one of the areas indicated at 32. Specification at page 10, line 23 through page 11, line 8.

A more detailed version of the software 24, shown in Fig. 2, is illustrated in Fig. 7. Initially a check at block 120 determines whether the receiver 14 has been turned on. If so, the basic electronic programming guide may automatically be accessed as indicated in block 122. If the user selects the extended guide, for example by operating an icon 27 in Fig. 3, the extended

guide may be substituted on the user's display screen in place of the basic guide. If not, the system waits for the user to make a selection, as indicated in diamond 128. When the user makes a selection, the selected channel may automatically be accessed, as indicated in block 130.

In the case where the user requests access to the extended programming guide, a connection to the extended programming guide is automatically implemented through the network 18 and the server 20 (block 126). The system then awaits a selection by the user (diamond 132) of a program in the extended electronic programming guide. When the selection is made, the information from the electronic programming guide may automatically be downloaded to the receiver 14 (block 134). The receiver 14 may then use the tuning information to tune to the desired channel from among the information provided by the content provider 12, as indicated in block 136. After the user has tuned to the channel, an inquiry (diamond 138) determines whether the user wishes to add the selection from the extended programming guide to the user's basic programming guide. If so, the new source may be added (block 140) to the list of sources in column 30 and Fig. 3 in one of the available spaces selectable by the user, as indicated at 32 in Fig. 3.

The user can use a basic electronic programming guide which includes the user's most likely selections and which consumes a reasonable amount of bandwidth. If this guide is inadequate, the user can select additional programming through a back channel such as may be available over the Internet. The user can then download the tuning information from the Internet based electronic programming guide for tuning to the desired program through a content provider.

In this way, the user is afforded the opportunity of making use of a large number of potential programming providers, each providing a large number of programs. The user can select from among those programs using a back channel without unduly burdening the primary transport medium (which provides the programming) with the need to provide extended programming guide information. Specification at page 12, line 13 through page 14, line 7.

While the present invention has been illustrated in connection with an embodiment in which only one content provider is available, the system may also be used in systems having multiple content providers each of which makes available a different basic programming guide.

In accordance with one embodiment of the present invention, a hierarchical system may be utilized to access electronic programming guides. That is, the user can select, through a

filtering system, a relatively refined set of program selections by progressively selecting from among ever narrowing options.

As shown in Fig. 8, at level 1, the user may be offered a plurality of general categories as indicated at 182. These topical categories may be displayed from information stored on each receiver 14. When the user selects one of the category topics, such as “news”, the level 2 display may occur, as indicated at 184. The category listed as 184 may again be resident in the memory system of the receiver 14 or alternatively may have been accessed remotely, for example over the Internet. Level 2 provides a series of categories within the category selected within level 1.

After the user makes a selection of one of the potential options afforded as level 2, another series of options may be afforded at level 3 as indicated at 186. Again, at this level, the different categories may be contained in resident storage on the receiver 14 or may be accessed over the Internet, for example through a different web site. In this case, a web site locator, such as a universal resource locator, may be obtained from information stored in association with the icon selected at level 2.

Thus, in each case, progressive information may be obtained through hyperlinks which are either absolute or relative. Relative hyperlinks access additional information within the same system whereas absolute hyperlinks access information through a different web site. In accordance with one embodiment of the present invention, the electronic programming guide information stored on the receiver 14 may be contained in the hierarchical arrangement and additional programming information may be thereafter obtained externally, in a hierarchical fashion, from one or more external web sites accessed over the Internet.

When the user makes a selection at level 3, such as “NBC”, the user may be provided at level 4 with a plurality of programming options as indicated at 188. In one embodiment of the present invention, a five level system is provided. That is, after level 4, a conventional electronic programming guide 190 may be displayed which displays a series of programs which may be available at different times.

Because of the filtering that has proceeded the display of the electronic programming guide 190, some channels and time entries may be excluded because they have no options in the pertinent time period. This may be advantageous since it allows a relatively lower amount of information to be transmitted to the receiver over an Internet connection. This is because the

wealth of information that may be available has been filtered to provide the user with only the information which the user desires.

Thus, in connection with the example shown in Fig. 8, the electronic programming guide 190 may have a plurality of time slots from eight o'clock to twelve o'clock and a plurality of channels 194 including channels 5, 692 and 1949. Programs which are available within the displayed time periods are indicated in a grid display 196.

Where the selected programs at level 5 are retrieved from an Internet web site, that web site may also provide the necessary tuning information. Thus, when the viewer clicks on one of the options afforded in the electronic programming guide 190, that tuning information may be automatically linked to allow the user to automatically access the selected program.

Specification at page 14, line 8 through page 17, line 5.

VI. ISSUES

A. Does Schneidewend Teach Every Limitation of the Claimed Subject Matter?

VII. GROUPING OF THE CLAIMS

Claims 1-18 have been finally rejected pursuant to 35 U.S.C. §102(e) as being anticipated by Schneidewend et al. (U.S. patent 6,249,320 hereinafter "Schneidewend "). Per this ground of rejection, claims 1-18 may be grouped.

VIII. ARGUMENT

A. Does Schneidewend Teach Every Limitation of the Claimed Subject Matter?

Schneidewend does not teach every limitation recited in claims 1, 10 and 15. Claim 1 for example calls for providing access to a first electronic programming guide with a first set of program selections over a first medium, providing access to a second electronic program guide with a second set of program selections over a second medium, and enabling a user to select, over the first and second media, programs for viewing on the receiver. Specifically, Schneidewend does not teach a first and a second electronic programming guide. Moreover,

Schneidewend does not teach providing access to a second electronic programming guide over a second medium. Without teaching every limitation, the claims are not anticipated by the reference.

The examiner cites Figures 13 and 12 of Schneidewend as teaching a first and second electronic programming guide respectively. Moreover, the Examiner cites these two figures as teaching providing the first and the second electronic programming guides over a first and a second medium respectively. Figures 12 and 13, however, merely represent the same electronic programming guide having two different formats, both of which are obtained over the *same* medium.

Schneidewend's program guide includes information regarding major and minor channels. Column 1, lines 66-67 through column 2, lines 1-13. For example, major channel information may correspond to information regarding a physical transmission channel (PTC) such as channel 13. Column 4, lines 38-46. The PTC may be divided into a plurality of sub-channels, which correspond to minor channels. *Id.* Schneidewend displays major and minor channel information within the guide so that the channel to sub-channel association is clear. Column 2, lines 6-13. Within this framework, a user may utilize the guide depicted in Figures 12 and 13 to perform the sub-channel selection process outlined in Figure 11. Column 4, lines 43-46.

Figures 12 and 13 depict two different formats for the program guide in which major and minor channel information is displayed. Moreover, Figure 11 outlines a protocol for the sequential display of each format of the program guide. For example, per step 1110 of Figure 11 the program guide format of Figure 12 is displayed first. Then, at step 1115, the user may request to view a different format of the *same* electronic programming guide. See also Figure

12, icon 1230. Thereafter, the *same* program guide may be displayed in a second format as indicated at step 1130. The user may return to the first displayed format of the guide if desired. See Figure 11, step 1135; Figure 13, icon 1330. Thus, Schneidewend merely teaches displaying the same program guide one of two ways. Clearly Schneidewend does not teach two different electronic programming guides. For this reason alone the rejection should be reversed.

Schneidewend does not anticipate the claims for at least one other reason. Even if the program guide depicted in Figures 12 and 13 are (wrongly) construed as different electronic program guides, Schneidewend still does not provide access to the so-called first program guide over a first medium and the so-called second program guide over a second medium. The fact is, Schneidewend discloses receiving input via one medium to display the program guide depicted in Figures 12 and 13. Schneidewend does not disclose receiving input via a second medium for the display of a second programming guide. In particular, Schneidewend discloses that antenna 10 of the digital video receiving system shown in Figure 1 receives data from *one source* such as a broadcast carrier. Column 3, lines 18-20; column 4, lines 31-34. Input received by the antenna 10 may be in the form of a physical transmission channel having up to 6 subchannels. Column 4, lines 38-42. As previously stated, a PTC may correspond to a major channel whereas the associated sub-channels correspond to minor channels, all of which are identified in Schneidewend's program guide. Selection of a sub-channel for viewing occurs via the process outlined in Figure 11 and in conjunction with the program guide shown in Figures 12 and 13. Column 4, lines 43-46. Thus, Schneidewend only contemplates receiving data, hence displaying an electronic programming guide over *one* medium. Column 11, lines 14-48.

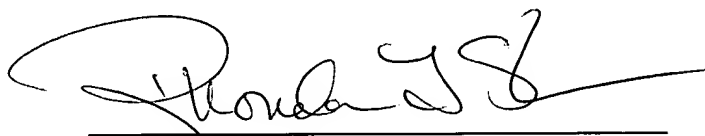
The examiner relies on Schneidewend's statement that the "principles of the invention may be applied to terrestrial, cable, satellite, Internet or computer network broadcast systems" as

a teaching that a second electronic programming guide may be obtained over a second media. Paper No. 6, page 2. Indeed, Schneidewend teaches that data utilized to display his program guide is not limited to RF broadcast data. However, the *principle* of his invention is to receive input from *one medium* to display *one program guide*. Stated another way, the information utilized to display Schneidewend's program guide, which is shown in Figures 12 and 13, came from *the same* medium. Thus, the principle of Schneidewend's invention is not and never has been to take information received from two different media and display two different program guides. Accordingly, Schneidewend does not teach providing access to a second electronic programming guide over a second medium.

IX. CONCLUSION

For the reasons stated above, claims 1, 10 and 15 and the claims depending therefrom are not anticipated. Thus, the rejection is improper and should be reversed.

Respectfully submitted,



Date: May 30, 2002

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APPENDIX OF CLAIMS

1. A method of implementing an electronic programming guide through a program receiver comprising:
 - providing access to a first electronic programming guide with a first set of program selections over a first medium;
 - providing access to a second electronic program guide with a second set of program selections over a second medium; and
 - enabling a user to select, over said first and second media, programs for viewing on said receiver.
2. The method of claim 1 wherein said second set is more extensive than said first set.
3. The method of claim 1 wherein providing access to a first electronic programming guide includes providing said first electronic programming guide over the first medium that also provides the program selections.
4. The method of claim 3 further including providing electronic programming guide information back to the receiver through said second medium without providing program content.
5. The method of claim 1 further including automatically coupling the user to said second medium upon receiving a request for access from the user.
6. The method of claim 5 wherein automatically providing access to said second medium includes automatically accessing the Internet.

7. The method of claim 1 including enabling the user to program which program selections are provided in the first electronic programming guide.

8. The method of claim 1 including automatically providing said first electronic programming guide and providing said second electronic program guide in response to a user request.

9. The method of claim 1 further including providing tuning information to said receiver over said second medium.

10. An article comprising a medium for storing instructions that cause a processor-based system to:

provide access to a first electronic programming guide with a first set of program selections over a first medium;

provide access to a second electronic program guide with a second set of program selections over a second medium; and

enable a user to select, over said first and second media, programs for viewing on said receiver.

11. The article of claim 10 further storing instructions that cause a processor-based system to automatically couple the user to said second medium upon receiving a request for access from the user.

12. The article of claim 11 further storing instructions that cause a processor based system to automatically access the Internet in a response to request for access to said second medium.

13. The article of claim 10 further storing instructions that cause a processor-based system to enable the user to program which program channels are provided in the first electronic programming guide.

14. The article of claim 10 further storing instructions that cause a processor-based system to automatically provide the first electronic program guide and second electronic program guide in response to a user request.

15. A system for providing video programming to a plurality of receivers comprising:

a content provider which provides content and a first electronic programming guide over a first medium to a plurality of receivers; and

a server accessible by said receivers to automatically provide a second electronic programming guide over a second medium to said receivers upon request from said receivers.

16. The system of claim 15 wherein said content provider is selected from the group consisting of a satellite broadcaster, a cable provider, or an airwave broadcaster.

17. The system of claim 15 wherein said second electronic program guide is provided over an Internet connection.

18. The system of claim 15 wherein said second electronic programming guide is more extensive than said first electronic programming guide.

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2174Invention: **Using Two Electronic Programming Guides****RECEIVED**

JUN 12 2002

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Technology Center 2100

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on May 15, 2002

The fee for filing this Appeal Brief is: **\$320.00**

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **20-1504**
A duplicate copy of this sheet is enclosed.



SignatureDated: May 30, 2002

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Signature of Person Mailing Correspondence**Debra Cutrona**

Typed or Printed Name of Person Mailing Correspondence

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